

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D.C. 20505

Legislative Counsel

OLC 80-1180/b

02 JUL 1980

Mr. J. K. Fasick, Director
International Division
General Accounting Office
Washington, D.C. 20548

Dear Mr. Fasick:

Thank you for forwarding a copy of your draft report, "Systematic Review for Declassification of National Security Information--Do Benefits Equal Cost?".

With respect to those portions of the report dealing with this Agency's systematic classification review program, we find the report to be generally correct. There are, however, two specific areas--one minor and one major--that need correction. The first correction we recommend occurs on page 26 in the fourth line of the first full paragraph. The word "working" should be inserted between "10" and "days" in order to reflect accurately the provisions of the Act. The second correction we feel needs to be made is more extensive.

The draft report leaves the reader with the impression that officers of one Federal agency can declassify material originated and classified by another agency without specific authorization. For example, on page 29 in the third line of the first complete paragraph, the word "reluctant" leaves the impression that if the reluctance were overcome it would be permissible to declassify material originated by another agency. In our opinion, it would be better to include the words "not authorized" in place of "reluctant". As Executive Order 12065 points out, personnel of one agency, such as NARS, can declassify records originated by another agency only when authority has been officially delegated to them by the agency producing and classifying the material in the first instance and then only in accordance with guidelines provided by that agency.

In addition, the multiple layers of review mentioned in the report are not only in accordance with relevant law, but are also necessary. Records custodians, such as NARS, regardless of their familiarity with the records under their custody, do not possess the experience, background, and knowledge needed to make declassification determinations with

respect to such things as intelligence, national defense, and foreign relations records. Even in the case of White House papers, which Executive Order 12065 empowers the Archivist of the United States to declassify, he is to act only after consulting those agencies having equity in the subject matter of a given record.

Thanks again for giving us the opportunity to review the draft. We look forward to receiving a copy of the final report.

Sincerely,



STATINTL

Frederick P. Hitz
Legislative Counsel

Enclosures

Distribution:

Original - Addressee w/encl.

1 - Classification Review Group [redacted] w/o encl.

STATINTL

1 - C/IMS/MPG/DDO [redacted] w/o encl.

1 - IPD/DDA [redacted] w/o encl.

1 - C/ISS/DDA [redacted] w/o encl.

1 - OLC Subject w/o encl.

1 - OLC Chrono w/o encl.

STATINTL

STATINTL OLC: [redacted] thms (2 July 1980)